

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GREGORY KONRATH
Plaintiff,

v.
PRISONER TRANSPORT SERVICES
Defendant.

]

]

]

]

]

]

]

]

NO. 3:16-cv-03019
JUDGE CRENSHAW

MEMORANDUM

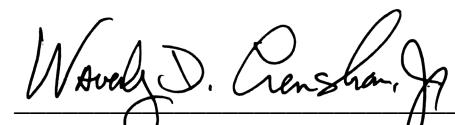
The Plaintiff, proceeding *pro se*, is an inmate at the Westville Correctional Facility in Westville, Indiana. He brings this action pursuant to 42 U.S.C. § 1983 against Prisoner Transport Services, a company based in Tennessee, seeking injunctive relief and damages.

The Plaintiff was arrested on April 30, 2015 in Flagstaff, Arizona. On May 20, 2015, he was picked up by the Defendant's agents for transport in a van to Peru, Indiana. During the trip, the Plaintiff's wrists and legs were shackled and he was forced to sit on a hard seat without a cushion. The van was hot, overcrowded and did not make many rest stops. As a result, the Plaintiff was unable to sleep for most of the trip. The Plaintiff arrived in Peru on June 3, 2015. He alleges that the deprivation of sleep he suffered during the trip constitutes cruel and unusual punishment.

The Complaint arrived in the Clerk's Office on November 22, 2016. Plaintiff's claims arose during his trip that lasted from May 20 - June 3, 2015. Thus, it appears that this action is time-barred by the one year statute of limitations imposed upon civil rights claims brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997).

Nothing in the Complaint suggests that the statute should be tolled so as to permit the untimely filing of the Complaint. The Court, therefore, concludes that the Plaintiff has failed to state a claim upon which relief can be granted because this action is untimely. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6th Cir.2001)(*sua sponte* dismissal of an untimely prisoner complaint is appropriate). Under such circumstances, the Court is obliged to dismiss the Complaint. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE